

Atty Docket No. 015389-002990US

PTO FAX NO.: 1.571.273.0944

ATTENTION: Examiner Malgorzata A. Walicka
TELEPHONE NO.: 1.703.305.7270

Group Art Unit 1652

OFFICIAL

OFFICIAL COMMUNICATION

RECEIVED
CENTRAL FAX CENTER

APR 12 2004

FOR THE PERSONAL ATTENTION OF

EXAMINER Malgorzata A. Walicka

CERTIFICATION OF FACSIMILE TRANSMISSION

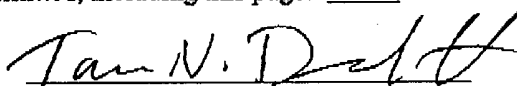
I hereby certify that the following document(s) in re Application of Thomas R. Cech et al., Application No. 10/054,295, filed January 18, 2002 for NOVEL TELOMERASE is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Terminal Disclaimer (re US Patent No. 6,261,836)

Number of pages being transmitted, including this page: 2

Dated: April 12, 2004


Tara N. Darnhoff

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT (303) 571-4321**

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: 303.571.4000
Fax: 303.571.4321
60191823 v1

NOTE:

The attached terminal disclaimer is being refaxed at the request of Examiner Walicka, as the original copy faxed on March 31, 2004 has not been matched with the file.

PTO/SB/26 (08-03)

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
015389-002990US

In re Application of: Thomas R. Cech et al.

Application No. 10/054,295

Filed: January 18, 2002

For: Novel Telomerase

The owners*, Geron Corporation and University Technology Corporation of 100 percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,261,836. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.



March 31, 2004

Signature

Date

Scott L. Aussenhus

Typed or printed name

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/98 may be used for making this certification. See MPEP § 324.

60165195 v1